

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**UNITED STATES OF AMERICA,**  
Plaintiff,  
v.  
**JOSUE G. REYES-HERNANDEZ,**  
Defendant.

**CRIMINAL NO. 97-110 (JAF)**

**UNITED STATES' MOTION NOTIFYING AVAILABILITY OF PROPERTY TO BE  
RETURNED TO DEFENDANT**

TO THE HONORABLE COURT:

COMES NOW the United States of America, through its undersigned attorneys, and very respectfully states, alleges, and prays as follows:<sup>1</sup>

On November 18, 2004, this Honorable Court ordered the Government to confirm that positive action had been taken in regards to the return of certain property to the defendant. This process commenced in March 16, 2000 (Docket No. 441), when defendant filed a Motion and Memorandum in Support for Return of Property. On April 12, 2000, the Government responded to this and other such motions (Docket Nos. 442 and 443) filed by defendant for the return of certain properties. On July 31, 2002, this Honorable Court denied defendant's motions for return of property (Docket No. 499).

However, defendant successfully appealed this issue to the Court of Appeals for the First Circuit. The Government expressed having no objection for the return of the property. On May 14, 2003, the First Circuit remanded the case to this Honorable Court ordering to vacate the order

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<sup>1</sup> We hereby call the attention of the Court that we have relied on the information contained in the Court's docket as to motions filed in the past. Due to the age of this case, we do not have the benefit of the documents in our case file. We have made efforts with the FBI today to obtain the information regarding the property in question.

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denying return of property. On December 3, 2003, this Honorable Court entered the order for the return of property. The property in question is \$1,055 in cash seized from the defendant when he was arrested.

The undersigned Assistant U.S. Attorney was the Government attorney of record during the return of certain property related to this case during the year 2002. However, due to an office oversight, the undersigned AUSA was not aware of the First Circuit's decision in relation to the \$1,055 in cash, nor that a controversy still existed in relation to the return of any property in this case, until we were notified of this Court November 18, 2004 order compelling the Government to confirm that positive action has been taken. Upon reading this order this morning (November 19, 2004), the Government hereby reports to the Court the actions it has taken today in relation to this matter.

The undersigned contacted the FBI, who verified that the property, that is, the \$1,055, is currently under FBI custody and available for collection by the defendant or any person designated by the defendant. The defendant or his designee should contact FBI Special Agent Carlos Marchand, telephone (787) 754-6000 to coordinate the return of the money.

WHEREFORE, in light of the abovementioned situation, the United States respectfully requests that this Honorable Court take notice that the property requested is available for return to the defendant or his designee.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 19<sup>th</sup> day of November, 2004.

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H.S. GARCIA  
United States Attorney

s/José Ruiz-Santiago  
José Ruiz-Santiago  
Assistant U.S. Attorney

*CERTIFICATION OF SERVICE*

I HEREBY CERTIFY that on this date a true and correct copy of the foregoing motion has been mailed to defendant Josué G. Reyes-Hernández, at his address of record.

s/José Ruiz-Santiago